IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARTH

Criminal Revision No. 579 of 2007

Date of Decision : 01.05.2007

Vijay Kumar ..... Petitioner

Versus

State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE S.D. ANAND

Present : Mr. R.S. Chahal, Advocate,
for Mr. Atul Lakhanpal, Advocate,
for the petitioner.

Mr. S.S. Mor, Sr. DAG, Haryana.

S.D. Anand, J.

The petitioner is a maternal uncle of the estranged lady who launched a prosecution under Sections 498-A, 406, 323, 506, 313, 34 IPC, against her husband Manoj Kumar, parents-in-law Mahavir and Mst. Krishna, sister-in-law namely Suman alias Navita and the petitioner. It is presently the petitioner / maternal uncle who had filed the present revision petition to obtain the invalidation of the order dated 20.01.2007 vide which he was charge-sheeted under Sections 406, 498-A, 323/34, 313, 506 and 354 IPC.

The solitary plea raised by the learned counsel for the petitioner is that no role whatsoever has been assigned to him in the FIR and that the only role played by him was that of a mediator in settlement of the impugned matrimonial alliance.

The advocated plea, though fairly attractive and innocuous on

the face of it, actually proceeds on a false premise. There is, in fact, a precise role attributed to the petitioner in the FIR. The FIR categorically attributes the following role to him. The petitioner (along with his wife) used to visit the matrimonial house of the estranged/warring parties and would instigate Manoj (nephew of the petitioner and husband of the estranged lady) to harass her to the extreme in order to compel her to bring Rs. 8 lakhs from her parents. It was on account of the instigation by the petitioner that Manoj Kumar belaboured the estranged lady a number of times. On 13.11.2005, the petitioner visited the matrimonial house of the estranged couple at about 8.00 p.m. He along with the other non-petitioners accused, held out a threat to the estranged lady that she should either bring a sum of Rs. 8 lakhs from her parents or she should ask her parents to purchase a plot in some good colony for them. The lady ignored them and went over to her room; while the petitioner and non-petitioners-accused sat in another room and after sometime thereof, the petitioner entered the room which the estranged lady was occupying and tried to outrage her modesty. When she raised an alarm, the petitioner is alleged to have told her that she would be done to death by strangulation.

The present is, thus, not a case of want of attributed role. There is no justification for the petitioner to request for the quashment of the impugned FIR. Of course, it would be for the petitioner to raise whatever plea he wants to raise in defence at the trial.

In the light of foregoing discussion, The petition is held to be devoid of merit and is ordered to be dismissed.

May 01, 2007 (S.D. Anand)
vkd Judge